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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

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Application Number

10/602,539

6/24/03

First Named Inventor

Russell M. Richman

Art Unit

2618

Examiner

Lee Nguyen

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request

This request is being filed with a notice of appeal

The review is requested for the reason(s) stated on the attached sheet(s)

Note: No more than five (5) pages may be provided

I am the

applicant/inventor

assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed
(Form PTO/SB/96)

attorney or agent of record
Registration number 36,597

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Registration number if acting under 37 CFR 1.34 _____

November 21, 2007

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required
Submit multiple forms if more than one signature is required, see below.



*Total of _____ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

5 Patent Application

Applicant(s): Russell M. Richman

Case: 6

Serial No.: 10/602,539

10 Filing Date: June 24, 2003

Group: 2618

Examiner: Lee Nguyen

15 Title: Method and System for Wireless Communication Among Integrated Circuits
Within an Enclosure

**MEMORANDUM IN SUPPORT OF
PRE-APPEAL BRIEF REQUEST FOR REVIEW**

20 Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

25 Sir:

**STATEMENT OF GROUNDS OF REJECTION TO BE REVIEWED ON
APPEAL**

30 Claims 1-10 and 14-21 are presently pending in the above-identified patent application. Claims 1-2, 5-6, 10 and 14-20 are rejected under 35 U.S.C. §103(a) as being unpatentable over Metze (United States Patent No. 5,754,948) in view of Larrick, Jr. et al. (United States Patent No. 6,690,741), claims 3 and 21 are rejected under 35 U.S.C. §103(a) as 35 being unpatentable over Metze in view of Larrick, Jr. et al. as applied to claims 2 and 17 and further in view of Cheung et al. (United States Patent No. 6,577,157), claim 4 is rejected under 35 U.S.C. §103(a) as being unpatentable over Metze in view of Larrick, Jr. et al. as applied to claims 2 and 17 and further in view of Nozawa et al. (United States Patent No. 6,942,157), and claims 7-9 are rejected under 35 U.S.C. §103(a) as being unpatentable over Metze in view of

Lerrick, Jr. et al. as applied to claims 1 and 17 and further in view of Ghaem (United States Patent No. 5,335,361).

Arguments

5 Independent Claims 1, 14 and 17

Independent claims 1, 14 and 17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Metze in view of Lerrick et al. The Examiner acknowledges that Metze does not explicitly state that the signal is transmitted using the first antenna in accordance with an ultra wide band wireless standard. The Examiner asserts, however, that it would be obvious to 10 include different short-range standards into the system of Metze. Applicant asserts, however, that it would not have been obvious to include the ultra wide bandwidth techniques described by the present invention, as discussed more fully below.

The Examiner notes that Metze suggests that wide bandwidth MIMICs operating at well above 100 GHz are commercially available (citing col. 3, lines 62-64). Metze, however, 15 explicitly states that such millimeter-wave data communications would be used for “higher modulation bandwidth...and lower costs” *Id.* at lines 59-62.

Furthermore, the terms “high bandwidth” or “wide bandwidth” and “*ultra wide bandwidth*,” *are not technically equivalent*, as would be well understood by a person of ordinary skill in the art. While Metze may teach that “other frequencies may be utilized and still fall 20 within the standard IEE definition of ‘millimeter-wave’ for purposes of this invention,” Metze does *not* disclose or suggest “*ultra wide bandwidth*,” as defined in the art.

As previously asserted by Applicant, Metze is clearly limited to transmission and reception over *discrete* carrier frequencies. See, for example, the discussion at col. 4, lines 48-53, where it is noted that if the MIMIC 16 labeled T1/R1 (in FIG. 1) transmits at (discrete) 25 frequency f2 and receives at (discrete) frequency f1 and the MIMIC 16 labeled T2/R2 transmits at (discrete) frequency f1 and receives at (discrete) frequency f2, data can be readily transmitted between the CPUs 14 labeled A1 and A2.

Ultra wide band communications, on the other hand, is a *wideband* wireless technology, rather than a *narrowband* technology, that depends on encoding the information on a number of narrow carrier frequencies. Using multiple frequency bands, the transmitted information is effectively spread across a wide range of frequencies. See, e.g.,

- 5 http://en.wikipedia.org/wiki/Ultra_wideband. This has **not** been addressed by the Examiner.

As discussed in http://en.wikipedia.org/wiki/Ultra_wideband, “a significant difference between traditional radio transmissions and UWB radio transmissions is that traditional transmissions transmit information by varying the power/frequency/and or phase in distinct and controlled frequencies while *UWB transmissions transmit information by generating radio energy at specific times with a broad frequency range*.” (Emphasis added.) Thus, *by definition*, UWB transmissions *generate radio energy at specific times with a broad frequency range, i.e., the transmitted information is effectively spread across a wide range of frequencies*.

This was asserted in Applicant’s prior responses, but still not addressed at all by the Examiner in the present or previous Office Action. To be clear, the Examiner has never addressed the distinction between transmissions over *discrete carrier frequencies*, and the UWB transmissions of the present invention employing a *broad frequency range*.

Metze’s teaching of the use of *discrete* carrier frequencies, such as f1 and f2, for transmission and reception between two integrated circuits *teaches away* from the present invention. Thus, a person of ordinary skill in the art would not even look to Larrick et al. in the manner suggested by the Examiner. Applicant respectfully submits that the Examiner has failed to establish a *prima facie* case of obviousness for at least the reason that there exists no motivation to combine the references. M.P.E.P. §2143. Again, this was **not** addressed at all by the Examiner in the present or previous Office Action. To summarize, a person of ordinary skill in the art, when presented with the teachings of Metze with respect to *discrete* carrier frequencies, would not look to Larrick et al. for the UWB transmissions employing a broad frequency range.

Thus, Metze and Larrick et al., alone or in combination, do not disclose or suggest transmitting a signal using a first antenna associated with said first integrated circuit device in

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accordance with an ultra wide band wireless standard, as required by independent claim 1, does not disclose or suggest transmitting a signal using an antenna associated with said integrated circuit device in accordance with an ultra wide band wireless standard to a second integrated circuit device within said enclosure, as required by independent claim 14, and does not disclose 5 or suggest at least one circuit for transmitting a signal in accordance with an ultra wide band wireless standard, as required by independent claim 17, as amended.

Applicant respectfully requests the withdrawal of the rejection of independent claims 1, 14 and 17.

Dependent Claims

10 Claims 2-10, 15-16, and 18-21 are dependent on independent claims 1, 14 and 17, respectively, and are therefore patentably distinguished over Metze, Larrick et al., Cheung et al., Nozawa et al. and Ghaem, alone or in any combination, because of their dependency from independent claims 1, 14 and 17 for the reasons set forth above, as well as other elements these claims add in combination to their base claim.

15 All of the pending claims, i.e., claims 1-10 and 14-21, are in condition for allowance and such favorable action is earnestly solicited.

If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

20 The attention of the Examiner and the Pre-Appeal board to this matter is appreciated.

Respectfully submitted,



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